

EXHIBIT 12

	Page 1600	Dr. Longo - Plaintiff - Direct (Mr. Block)	Page 1602
1	SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK - CIVIL TERM - PART 7	THE COURT: Good morning to everyone.	
2	-----x DONNA A. OLSON and ROBERT M. OLSON, Plaintiff, -against- Index No. 190328/2017	MR. BLOCK: Good morning.	
3	BRENNNTAG NORTH AMERICA, INC.; BRENNNTAG SPECIALTIES, INC., Individually, and f/k/a Mineral Pigment Solutions, Inc., as successor-in-interest to Whittaker, Clark & Daniels, Inc.,	MR. BROCK: Good morning.	
4	CYPRUS AMAX MINERALS COMPANY, Individually and as successor-in-interest to American Talc Company, Metropolitan Talc Company, Inc., Charles Mathieu, Inc., and Resource Processors, Inc.;	THE WITNESS: Good morning, your Honor.	
5	IMERYS TALC AMERICA, INC., JOHNSON & JOHNSON CONSUMER, INC.; WHITTAKER, CLARK & DANIELS, INC., Individually and as successor-in-interest To American Talc Company, Metropolitan Talc Company, Inc., Charles Mathieu, Inc., and Resource Processors, Inc.;	THE COURT: I understand that you would like to put the TV recording into evidence? You want to do that now or do you want to wait until a little bit later after the jury?	
6	-----x Defendants.	MR. BROCK: We'll wait until a little later. I think Tom is bringing it.	
7	Jury Selection 60 Centre Street New York, New York February 26, 2019	MR. BLOCK: It's our understanding they want it to be a Court Exhibit.	
8	B E F O R E :	THE COURT: Yes.	
9	HONORABLE GERALD LEBOVITZ, JUSTICE	MR. BROCK: Yes.	
10	A P P E A R A N C E S :	THE COURT: It was played to the court, so it should be an Exhibit, you know, if they want it in evidence.	
11	LEVY KONIGSBERG, LLP ATTORNEYS FOR THE PLAINTIFFS 800 THIRD AVENUE NEW YORK, NEW YORK 10022 BY: JEROME H. BLOCK, ESQ.,	MR. BROCK: That's our point.	
12	CONTINUED:	THE COURT: You are entitled to it.	
13		THE COURT OFFICER: Ready, Judge?	
14		THE COURT: Yes.	
15		THE COURT OFFICER: All rise. Jury entering.	
16		(Whereupon, the jurors entered the courtroom and were properly seated in the jury box.)	
17		THE COURT: Good morning to everyone, and please be seated. You will resume whenever you like.	
18		25 DIRECT EXAMINATION	
	Page 1601	Dr. Longo - Plaintiff - Direct (Mr. Block)	Page 1603
1	APPEARANCES CONTINUED:	1 BY MR. BLOCK:	
2	MAUNE RAICHLE HARTLEY FRENCH & MUDD, LLC 150 WEST 30TH STREET NEW YORK, NEW YORK 10001 BY: SUZANNE M. RATCLIFFE, ESQ., CHRISTIAN HARTLEY, ESQ.,	2 Q Good morning, Dr. Longo.	
3		3 A Good morning.	
4		4 MR. BLOCK: Good morning, everybody.	
5		5 THE JURORS: Good morning.	
6	PATTERSON BELKNAP WEBB & TYLER, LLP ATTORNEYS FOR JOHNSON & JOHNSON 1133 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10036 BY: THOMAS P. KURLAND, ESQ., LOUIS M. RUSSO, ESQ., -and-	6 MR. BLOCK: Your Honor, plaintiff moves Exhibit 64 7 into evidence at this time.	
7	KIRKLAND & ELLIS, LLP 300 NORTH LaSALLE STREET CHICAGO, IL 60654 BY: MIKE BROCK, ESQ., STACEY GARBIS PAGONIS, ESQ., BARRY E. FIELDS, ESQ., ALLISON RAY, ESQ.,	8 MR. BROCK: No objection.	
8		9 (Whereupon, Plaintiff's Exhibit 64 was marked in 10 evidence.)	
9	Lori Sacco Michael Ranita Official Court Reporters	11 Q Dr. Longo, I want to pick up where we left off 12 yesterday looking at this slide.	
10	*	13 (Whereupon, a demonstrative aid was shown on the 14 screen.)	
11		15 Q Dr. Longo, looking at the screen and at this slide, 16 these terms have been used, analytical sensitivity, detection 17 limit and I just want to make sure that we are all on the same 18 page on these terms.	
12		19 Now, did you have to change the title here to 20 analytical sensitivity?	
13		21 A It's analytical sensitivity, which in this case --	
14		22 THE COURT: A little louder, please.	
15		23 A Analytical sensitivity is the proper way to state this.	
16		24 It's also the detection limit. It's based on finding one fiber	
17		25 asbestos fiber in one bundle.	

<p>1 Direct-Longo-Block</p> <p>2 A. That the range of exposure on average would</p> <p>3 be approximately .1 fibers per c.c. to one fiber per c.c.</p> <p>4 based on our testing results.</p> <p>5 Q. Is it your opinion that that would be her</p> <p>6 approximate exposure to asbestos each time that the</p> <p>7 Johnson's Baby Powder, Shower to Shower was applied on her</p> <p>8 body?</p> <p>9 MR. BROCK: Same objection.</p> <p>10 A. No, you can't say each time.</p> <p>11 THE COURT: There is an objection, sir.</p> <p>12 THE WITNESS: I'm sorry, your Honor.</p> <p>13 THE COURT: You need to pay attention for</p> <p>14 that. Everything happened all at once.</p> <p>15 Q. You said no, you can't say each time. So,</p> <p>16 what is your opinion as to this exposure level to asbestos</p> <p>17 and her 21,000 applications of Johnson's Baby Powder and</p> <p>18 Shower to Shower applied to her body?</p> <p>19 MR. BROCK: Same objection.</p> <p>20 A. My opinion would be more like --</p> <p>21 THE COURT: When there is an objection,</p> <p>22 doctor, you need to wait until the Court's ruling.</p> <p>23 Overruled. Now you may answer.</p> <p>24 A. It would be my opinion more likely than not</p> <p>25 based on our testing that when she used the product, that</p> <p>26 more likely greater than 50 percent would be -- would have</p>	<p>1 Cross-Long-Brock</p> <p>2 MR. BROCK: Good morning, members of the</p> <p>3 jury.</p> <p>4 CROSS EXAMINATION</p> <p>5 BY MR. BROCK:</p> <p>6 Q. I want to talk about your company. I think</p> <p>7 you said yesterday that your company has tested somewhere</p> <p>8 around three to 400,000 bulk samples for asbestos over the</p> <p>9 last 30 years, correct?</p> <p>10 A. That is correct.</p> <p>11 Q. And in that entire period of time until 2017</p> <p>12 or thereabouts you had never tested cosmetic talc for</p> <p>13 asbestos, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. In fact, in that entire period of time that</p> <p>16 you were doing that bulk sampling, you never tested J & J</p> <p>17 cosmetic talc for potential asbestos contamination,</p> <p>18 correct?</p> <p>19 A. That is correct.</p> <p>20 Q. The only time you have tested J & J talc for</p> <p>21 asbestos is in the context of being a litigation</p> <p>22 consultant and expert, true?</p> <p>23 A. That is true.</p> <p>24 Q. Now, when it comes to the talc litigation,</p> <p>25 100 percent of your work is on behalf of plaintiffs,</p> <p>26 correct?</p>
<p>113 1645</p> <p>1 Direct-Longo-Block</p> <p>2 enough tremolite in it.</p> <p>3 THE COURT: You need to speak up.</p> <p>4 A. Greater than 50 percent of the time she would</p> <p>5 have been exposed at this level is my opinion.</p> <p>6 Q. Okay. And is that based in part on your own</p> <p>7 testing?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And is that based in part on your review of</p> <p>10 the peer-reviewed literature as to exposure of asbestos</p> <p>11 from cosmetic talcum powder including powders that used</p> <p>12 Italian talc?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Is that also based upon your review of</p> <p>15 Johnson & Johnson's own documents estimating exposures</p> <p>16 from the use of these products?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And is it also based upon your review of</p> <p>19 historical documents showing asbestos in the source talc</p> <p>20 that was used for these products?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Thank you, Dr. Longo. I have no other</p> <p>23 questions at this time.</p> <p>24 A. Thank you.</p> <p>25 MR. BROCK: May it please the Court?</p> <p>26 THE COURT: Yes. You may inquire.</p>	<p>113 1647</p> <p>1 Cross-Long-Brock</p> <p>2 A. That is correct.</p> <p>3 Q. And you were mentioning yesterday that you</p> <p>4 have performed some work for the government over time. Is</p> <p>5 it correct that none of your work for any of the</p> <p>6 government entities had anything to do with testing talcum</p> <p>7 powder?</p> <p>8 A. That is correct.</p> <p>9 MR. BROCK: Could I have the Elmo, please.</p> <p>10 Q. All right. So, yesterday you had a slide</p> <p>11 that you presented to the jury in terms of your consulting</p> <p>12 work. And one of the government entities that you</p> <p>13 referred to was CDC. Is it correct that your work for the</p> <p>14 CDC did not involve the testing of commercial talc?</p> <p>15 A. That is correct.</p> <p>16 Q. Nor did it involve the testing of cosmetic</p> <p>17 talc?</p> <p>18 A. That is correct.</p> <p>19 Q. Same is true for the National Institutes of</p> <p>20 Health, the consulting work that you did for the National</p> <p>21 Institutes of Health did not involve testing of cosmetic</p> <p>22 talc for asbestos, true?</p> <p>23 A. That is correct.</p> <p>24 Q. For the City and State of New York, your work</p> <p>25 did not involve the testing or evaluation of cosmetic talc</p> <p>26 for asbestos, true?</p>

<p>1 Cross-Long-Brock 2 for many years, correct? 3 A. That is correct. 4 Q. In fact, you've been testifying as an expert 5 since around 1990, correct? 6 A. '90, '91, yes, sir. 7 Q. Okay. Your business, the one that you run 8 today MAS, was opened in 1988, correct? 9 A. Yes, sir. 10 Q. And soon after opening your business, you 11 started advertising your services to be involved in 12 litigation, correct? 13 A. That's not correct. 14 MR. BROCK: Let's look at DD I think it's 15 dash one or dash two. Thirty-four, yes. 16 Q. This was an advertisement for your services 17 that you put up in -- put out in 1989, correct? 18 A. That's correct. 19 Q. Shortly after starting your business MAS, 20 correct? 21 A. A year later, yes, sir. 22 Q. And that's you, a younger version of you 23 standing in a courtroom, isn't it? 24 A. Yes, sir that's a much younger version of me. 25 Q. And this is one of your colleagues. Is this 26 Dr. Yamete --</p>	<p>1 Cross-Long-Brock 2 yes, sir. 3 Q. And that's what you call surviving? 4 A. Yes, sir. 5 Q. Okay. Now, this period of time during which 6 you've been serving as a litigation expert and consultant 7 in lawsuits, I think you just said this \$30 million that 8 we're talking about is what you have billed to lawyers who 9 are representing folks that are filing lawsuits, correct? 10 A. Yes, sir. 11 Q. So, \$30 million on behalf of plaintiffs? 12 A. That's correct. 13 Q. And let's talk about sort of what you do in 14 those cases. Since that ad ran back in 1989, you have 15 said that you have testified under oath somewhere around 16 2,500 to 3,000 times, correct? 17 A. Yes, sir. That would be correct. 18 Q. And that means that you're giving somewhere 19 around a hundred depositions or making trial appearances a 20 year, is that correct? 21 A. Between 50 and a hundred, yes, sir. 22 Q. Well, if it's 3,000 and you've been doing it 23 for 30 years, what does that come to? 24 A. Well, I will tell you. 25 Q. All right. 26 THE COURT: The record should reflect the</p>
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